

IN THE UNITED STATES DISTRICT COURT
NORTHERN AND SOUTHERN DISTRICTS OF IOWA

IN THE MATTER OF
THE ADMINISTRATIVE ORDERS
OF THE COURT

ORDER

FILED
CEDAR RAPIDS HDQTRS OFF
NORTHERN DISTRICT OF IOWA

FEB 15 2001

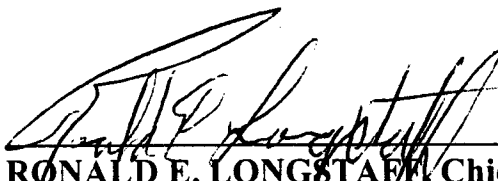
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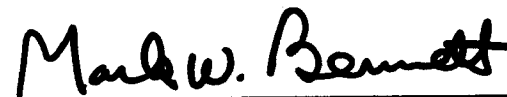
For cause, and upon the unanimous vote of the Active Article III Judges of the Northern and Southern Districts of Iowa, it is

ORDERED that the attached amendments to the Local Rules shall be effective February 15, 2001.

IT IS SO ORDERED.

DATED this 15th day of February, 2001.


RONALD E. LONGSTAFF, Chief Judge
United States District Court
Southern District of Iowa


MARK W. BENNETT, Chief Judge
United States District Court
Northern District of Iowa

1501

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LCrR 12.1 MOTION, NOTICE, AND REQUEST DEADLINES

a. Deadlines for Nontrial-Related Motions, Notices, and Requests. Unless some other deadline is established by order of the court, all motions, notices, and requests under Federal Rules of Criminal Procedure 12, 12.1, 12.2, and 12.3; all notices and requests pursuant to the Federal Rules of Evidence; and all other nontrial-related motions must be filed, given, or made within 28 days after the date of the defendant's first arraignment, except that a request under Federal Rule of Criminal Procedure 12(d)(2) must be made at the arraignment or as soon thereafter as is practicable. Notwithstanding this rule, a motion relating to a notice or request is timely if served and filed within 5 court days after service of the notice or request.

b. Deadlines After Continuance or Superseding Indictment. When a trial date is continued or a superseding indictment is returned, the original deadlines prescribed under the Local Rules or by order of the court shall remain unchanged unless, within 5 court days after the continuance order has been entered or at the arraignment on the superseding indictment, either the defendant or the government requests that new deadlines be set and an order is entered by the court changing the deadlines.

c. Deadlines for Trial-Related Motions. Motions in limine, motions pursuant to Federal Rule of Evidence 104(a), and all other trial-related motions should be served and filed as soon as practicable. Unless the court orders otherwise, all such motions must be served and filed at least 3 court days before trial. Motions covered by section (a) of this rule and by LCrR 22.1 are not trial-related motions for purposes of this section.

d. Motion Procedure. Motion procedure in criminal cases shall be governed by LCrR 47.1.

e. Untimely Motions. A judicial officer may refuse to consider an untimely motion unless the moving party establishes good cause for the untimeliness of the motion.

f. Filings Served Less Than 10 Days Before Trial or Hearing. Any motion, resistance, or other filing served less than 10 days before a trial or hearing must, at the time of filing, be personally delivered or sent by facsimile transmission to all other parties and to the chambers of the presiding judge.

LCrR 32.1 SENTENCING HEARINGS; DISCLOSURE OF CONFIDENTIAL RECORDS MAINTAINED BY THE UNITED STATES PROBATION OFFICE

a. Sentencing Hearings. At least forty-eight hours before a sentencing hearing (calculated without counting Saturdays, Sundays, or legal holidays), the parties must do the following: (1) file and deliver to counsel for the opposing party and the chambers of the sentencing judge any motions, sentencing memoranda, or briefs relating to sentencing issues; and (2) deliver to counsel for the opposing party and the chambers of the sentencing judge (but not file) copies of any letters or other exhibits they intend to offer or rely upon at the hearing. Upon a showing of good cause, the deadline in this rule may be waived. The deadline does not apply to the following: (1) resistances or responses to motions or briefs that were served less than 7 days before the sentencing hearing; (2) motions filed by the government under Federal Sentencing Guideline § 5K1.1 or 18 U.S.C. § 3553(e); or (3) rebuttal or impeachment exhibits.

b. Disclosure of Confidential Records Maintained by the United States Probation Office. Unless specifically authorized by federal law, no confidential records of the court maintained by the United States Probation Office ("USPO") shall be disclosed except by order of a judicial officer of the district where the records are maintained.

1. Confidential Records. Confidential records of the court maintained by the USPO include records of an accused or defendant pertaining to the following: (A) pretrial supervision, release, or detention; (B) mental, drug, or physical evaluations or treatment; (C) presentence investigations; (D) sentencings; (E) incarceration; (F) parole; (G) probation; and (H) supervised release. Unsealed USPO records maintained in the files of the Clerk of Court are not confidential records for purposes of this rule.

2. Petition Required. Anyone seeking disclosure of such records first must serve on the USPO and file with the Clerk of Court a written petition setting forth with particularity good cause justifying the requested disclosure. A showing of good cause must include the following: (A) the need for the specific information contained or believed to be contained in the records; and (B) a legal basis for disclosure of the records.

3. Subpoena or Other Judicial Process. If the USPO receives a subpoena or other judicial process for disclosure of confidential court records, the USPO must file a petition seeking instructions from the court on how to respond to the subpoena or other judicial process.